

*Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation, also titled The Flinn Report in memory of founding JCAR member Rep. Monroe Flinn, is designed to inform and involve the public in changes taking place in agency administration.*

## Emergency Rules

### ■ VACCINE REGISTRY

The DEPARTMENT OF PUBLIC HEALTH adopted emergency amendments to Immunization Registry Code (77 IAC 689; 45 Ill Reg 16382) effective 12/13/21 for a maximum of 150 days, replacing previous emergency rules that expired on 12/12/21. The emergency rule expands access to DPH's immunization registry (currently known as I-CARE) and clarifies the purposes for which registry information may be used. Prospective registry users must complete a user agreement and be approved by DPH. Health care providers, schools, child care centers, colleges/universities, and health insurance plans may also access the registry for purposes of verifying immunization status or for coordination of medical care. However, access will not be granted to verify immunization status of employees, contractors or volunteers. In addition to the

### COVID-19 ACTIONS

Executive Orders of the Governor concerning the COVID-19 public health emergency can be accessed at <https://www2.illinois.gov/government/executive-orders>. Emergency rules adopted by State agencies will be summarized in The Flinn Report as they are published in the *Illinois Register*.

purposes listed in existing rule (ensuring accurate immunization records, assessing immunization rates) data in the registry may also be used as a vaccine tracking and verification system and to provide immunization-related announcements, notices and guidelines to users and participants. All COVID-19 immunizations administered in Illinois must be reported to the

(cont. page 2)

## Proposed Rulemakings

### ■ FIREARM SALES

The ILLINOIS STATE POLICE proposed amendments to Firearms Owner's Identification Card Act (20 IAC 1230; 45 Ill Reg 16315) that establish procedures for identifying stolen firearms in ISP's FOID Card and Firearms Concealed Carry License (FCCL) system. Beginning 7/1/22, identification information for firearms (e.g. serial numbers) may be entered into the ISP Stolen Firearms System whenever a firearm is sold or transferred. Effective 1/1/24, use of the system becomes mandatory whenever a firearm is sold/transferred and proof that the Stolen Firearms System was searched must be provided to the purchaser/recipient of the firearm. If the information entered in the system matches that of a reported stolen firearm, ISP

(cont. page 3)

**ADOPTED RULES:** Rules adopted by agencies this week. **EMERGENCY RULES:** Adopted for a temporary period not to exceed 150 days.  
**PROPOSED RULES:** Rules proposed by agencies this week, commencing a 45-day First Notice period during which public comments must be accepted.  
**PEREMPTORY RULES:** Rules adopted without prior public notice or JCAR review as authorized by 5 ILCS 100/5-50.  
■ Designates rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.  
**QUESTIONS/COMMENTS:** Submit mail, email or phone calls to the agency personnel listed below each summary.  
**RULE TEXT:** Available on the Secretary of State ([www.cyberdriveillinois.com](http://www.cyberdriveillinois.com)) and General Assembly ([www.ilga.gov](http://www.ilga.gov)) websites under Illinois Register. Second Notice text (original version with changes made by the agency during First Notice included) is available on the JCAR website.

## Adopted Rules

### ■ CANNABIS DISPENSARIES

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION adopted amendments to Cannabis Regulation and Tax Act (68 IAC 1291; 45 Ill Reg 9527) effective 12/7/21, replacing emergency amendments that were effective 7/15/21 and implementing recent changes to the Cannabis Regulation and Tax Act. The rulemaking adds various definitions and provides that a dispensing organization license

applicant will not receive a license if the applicant/license holder, any director or principal officer, or any person with at least a 5% ownership or voting interest in the organization is delinquent in filing a State tax return or paying any State taxes. An applicant denied a license for this reason has 60 days to provide DFPR with proof that the delinquency has been remedied. Since 1<sup>st</sup> Notice, DFPR removed provisions establishing in rule its Responsible Vendor Program (RVP) through which dispensing organization

employees receive training in cannabis laws and regulations and other aspects of operating a cannabis dispensary. (These provisions had been included in the emergency rule but were removed in response to a JCAR Objection and Suspension.) Cannabis dispensing organizations are affected.

*Questions/requests for copies: Craig Cellini, DFPR, 320 W. Washington, 2nd Floor, Springfield IL 62786, 217/785-0813, fax: 217/557-4451.*

## Emergency Rules

(cont. from page 1)

registry; reporting of all other immunizations is voluntary, except for publicly funded vaccine providers (e.g., participants in the Vaccines for Children program), for whom reporting is mandatory. Adult patients and the parents/legal guardians of minor patients may view their own immunization registry information without signing a user agreement by requesting the information from their immunization provider, from DPH, or by using a public portal or mobile application developed by DPH. A notarized consent form is no longer required for parents/guardians to view a child's immunization record. Patients or their parents/guardians may also use the currently provided opt-out form (which withholds patient information from the registry) to reverse that decision and opt back into the registry. DPH may also develop a public portal, digital platform or mobile application (i.e.,

Vax Verify) for which users must be 18 or older and must register with current demographic and contact information. The information provided must exactly match the person's registry information in order to be granted access to the portal; if this information is not an exact match, an individual must contact DPH directly or their health care provider to gain access. In addition, the Department of the Lottery and the Office of the State Treasurer may access registry information in relation to any statewide lottery, promotion, game or incentive in which immunization status is a prerequisite for participation (e.g., the COVID-19 Vaccine Incentive Promotion drawings held in July and August 2021), but only upon approval of an authorization form by the winner or the winner's legal guardian. Those affected by these rulemakings include health care providers, schools, child care providers, and health insurers.

*Questions/requests for copies: Tracey Trigillo, DPH, 524 S. 2nd St., 6th Fl., Springfield IL 62701, 217/782-1159, [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov).*

### ■ ELECTRIC GENERATION

The ILLINOIS COMMERCE COMMISSION adopted emergency amendments to the Part titled Electric Interconnection of Distributed Generation Facilities (83 IAC 466; 45 Ill Reg 16330) and adopted a new Part by emergency rulemaking titled Multi-Year Integrated Grid Plans (83 IAC 475; 45 Ill Reg 16338) both effective 12/14/21 for a maximum of 150 days. These emergency rules implement Public Act 102-662, which ICC was required to implement in rule within 90 days of the PA's effective date (9/15/21). The Part 466 emergency amendment sets a

(cont. page 4)

# Proposed Rulemakings

(cont. from page 1)

will contact the local law enforcement agency that reported the stolen firearm, and the seller and buyer must cooperate with ISP in this investigation. However, a match in the system will not, by itself, be regarded as confirmation that a purchased/transferred firearm has been stolen. Those affected by this rulemaking include businesses that sell or transfer firearms.

*Questions/requests for copies/comments through 2/7/22: Maureen B. McCurry, ISP, 801 S. Seventh St., Suite 1000-S, Springfield, IL 62703, 217/782-7658.*

## INFERTILITY COVERAGE

The DEPARTMENT OF INSURANCE proposed amendments to the Part titled Infertility Coverage (50 IAC 2015; 45 Ill Reg 16140) implementing various changes to the Illinois Insurance Code as it applies to group health insurance policies that provide pregnancy-related coverage to businesses with 25 or more full time employees. This rulemaking aligns the definition of “infertility” with that added to the Code by PA 102-170, which includes failure to establish a pregnancy or carry it to live birth after 12 months (6 months for women over age 35) of regular, unprotected sexual intercourse; inability to reproduce, either as a single individual or with a partner, without medical intervention; or the findings of a licensed physician based on a patient’s medical,

sexual and reproductive history. The rulemaking also requires freezing and storage of sperm, oocytes or embryos to be covered for a covered individual undergoing medical treatment that could cause infertility (e.g., radiation); prohibits certain coverage exclusions for fertility services provided by a surrogate; and removes abortion as a generally allowable exclusion. (Current rule lists selective termination of an embryo as a permissible coverage exclusion except when the life of the mother would be endangered by carrying all embryos to term.) It also implements gender neutral language (e.g., clarifying that the term “woman,” as used in the Code, does not limit a person’s actual or perceived gender identity) and clarifies that the Part does not apply to policies that provide excepted benefits as defined in federal or State law.

## WORKERS’ COMPENSATION

DOI also proposed a new Part titled Notice of Non-Compliance with Worker’s Compensation Act (50 IAC 2915; 45 Ill Reg 16150) implementing the statutory transfer of the Insurance Compliance Unit, which issues notices of non-compliance to employers, from the Workers’ Compensation Commission to DOI. The new Part also specifies the content of non-compliance notices and requires that DOI attempt to resolve the matter via an informal conference with the employer before referring the matter to WCC for a hearing. Businesses subject to the Worker’s Compensation Act are affected.

*Questions/requests for copies/comments on the 2 DOI rulemakings through 2/7/22: Part 2015, Robert Planthold (312/814-5445); Part 2915, R. John Street (312/339-2528); DOI, 122 S. Michigan Ave., 19<sup>th</sup> Fl., Chicago IL 60603. Both Parts: Susan Anders, DOI, 320 W. Washington St., 4th Fl., Springfield, IL 62767, 217/558-0957.*

## LIQUOR SALES

The ILLINOIS LIQUOR CONTROL COMMISSION proposed amendments to the Part titled The Illinois Liquor Control Commission (11 IAC 100; 45 Ill Reg 16154) concerning various types of sales and discounts offered to retailers. The rulemaking establishes an exception to the prohibition in the Liquor Control Act against a licensed manufacturer or distributor providing anything “of value” to a licensed retailer by allowing the use of supplier funded coupons and rebates for the sale of alcoholic beverages. The rulemaking outlines the types of coupons, rebates and discounts that are and are not permitted. Businesses that sell alcoholic beverages and liquors at retail are affected.

*Questions/requests for copies/comments through 2/7/22: Legal Division, LCC, Richard J. Daley Center, 50 W. Washington, Room 209, Chicago IL 60602, 312/814-2206.*

(cont. page 4)

## Emergency Rules

(cont. from page 2)

single standardized cost of \$200 for Level 1 interconnection of distributed generation facilities (stand-alone generating facilities, typically serving facilities such as industrial complexes, university campuses, or military bases) and provides for an external mediator to act as an ombudsman for handling interconnection disputes. The new Part 475 requires certain electric utilities in the State to engage in a program of multi-year integrated distribution planning that includes a stakeholder

process, with public and interest group comments collected at regional workshops. The emergency rules address initial submissions of information by the utilities regarding their plans for future investment in distribution systems; coordination of these plans with the State's renewable energy goals; conduct of workshops in each affected utility's service area; procedures for submitting data requests; the handling of confidential materials; the post-workshop comment period; and the preparation and submission of a report by the

facilitator. The ensuing docketed proceedings will be governed by ICC's Rules of Practice in 83 Ill. Adm. Code 200. Those affected by these emergency rules include electric utilities, owners of distributed generation facilities, and individuals or groups wishing to participate in the multi-year integrated distribution planning process.

*Questions/requests for copies of the 2 ICC emergency rules: Brian W. Allen, ICC, 527 E. Capitol Ave., Springfield, IL 62701, 217/558-2387, fax (217) 524-8928.*

## Proposed Rulemakings

(cont. from page 3)

### MEDICAL ASSISTANCE

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES proposed amendments to Special Eligibility Groups (89 IAC 118; 45 Ill Reg 16128) implementing the Health Benefits for Immigrant Adults program that provides medical assistance coverage for non-citizens ages 55 through 64 who, due to their immigration status, do not qualify for medical assistance that receives federal matching funds (Medicaid). In addition to meeting age and immigration status criteria, enrollees must be Illinois residents with an income at or below 138% of the Federal Poverty Level. Covered services are the same as in the Health Benefits for Immigrant Seniors program that covers non-citizens age 65 and older who do not qualify for Medicaid (i.e., all services normally covered for adult

Medicaid recipients, except for long term care and funeral/burial expenses). The rulemaking also addresses the application process and provides an appeal process for persons whose coverage is denied or terminated. Coverage and enrollment are subject to appropriated funding levels and HFS may take any action necessary to insure that available funds are not exhausted, including limiting or halting enrollment or reducing or eliminating coverage of certain services.

*Questions/requests for copies/ comments through 2/7/22: Steffanie Garrett, HFS, 201 S. Grand Ave. East, 3<sup>rd</sup> Floor, Springfield IL 62763-0002, 217/ 782-1233, [HFS.Rules@illinois.gov](mailto:HFS.Rules@illinois.gov)*

### ■ SEXUAL ASSAULT

The DEPARTMENT OF PUBLIC HEALTH proposed amendments

to Sexual Assault Survivors Emergency Treatment Code (77 IAC 545; 45 Ill Reg 16259) implementing PA 100-22. The rulemaking clarifies that a sexual assault survivor may present for a medical forensic examination and evidence collection may be conducted more than 7 days following an assault when clinically indicated. The effective date for various requirements under the Sexual Assault Survivors Emergency Treatment Act is postponed from 1/1/22 to 1/1/23. Other provisions update incorporations by reference, clarify when law enforcement may be present at medical forensic examinations for survivors who are themselves in police custody, and require area-wide sexual assault treatment plans to indicate which facility is responsible for transporting survivors back to the

(cont. page 5)



# Proposed Rulemakings

(cont. from page 4)

location where the survivor originally sought medical forensic services (when the survivor or the non-offending parent/guardian has not already made other arrangements for transportation). Hospitals and approved pediatric health care facilities with sexual assault treatment or transfer plans are affected by this rulemaking.

## ■ HOME HEALTH SERVICES

DPH also proposed amendments to Home Health, Home Services, and Home Nursing Agency Code (77 IAC 245; 45 Ill Reg 16210) that change references to a physician to “health care professional” in various Sections for consistency throughout the Part. The rulemaking also updates staff responsibilities for home services workers with regard to activities of daily living and required training and competency evaluations for skin care, ambulation, bathing, hair and nail care, positioning and transfer of clients, and respiratory care. Agencies that provide home health, nursing, or other services are affected.

## ■ HEALTH CARE WORKERS

DPH proposed amendments to Health Care Worker Background Check Code (77 IAC 955; 45 Ill Reg 16292) implementing Public Act 102-0026, which added the Department of Corrections and third-party vendors who employ certified nursing assistants working with DOC to the definition of a “health care employer” subject to the Health Care Background

Check Code. These amendments also clarify that waiver applications must include a work history or resume covering the most recent 5-year period, and no longer require a complete employment history, criminal conviction history, or fingerprint based background check when an individual petitions to remove a finding of neglect from the Registry.

## DPH HEARINGS

DPH also proposed amendments to Practice and Procedure in Administrative Hearings (77 IAC 100; 45 Ill Reg 16176) updating its administrative hearing rules to align with current or preferred practices. The rulemaking extends these hearing rules to proceedings arising under the MC/DD Act, the ID/DD Community Act, and the Specialized Mental Health Rehabilitation Act, in addition to proceedings arising under the Nursing Home Care Act, the Emergency Medical Service (EMS) Systems Act, the Asbestos Abatement Act, and Illinois Plumbing License Law. The proposed amendments change procedures for the conduct of prehearing conferences and evidentiary hearings by Administrative Law Judges; prohibit filing any documents in an administrative hearing that contain personal information, such as Social Security or Medicare or Medicaid numbers; allow for documents to be filed in electronic formats; and encourage the use of electronic mail rather than regular mail to serve documents.

*Questions/requests for copies/ comments on the 4 DPH rulemakings through 2/7/22: Tracey Trigillo, DPH, 524 S. 2nd St., 6th Fl., Springfield IL 62701, 217/782-1159, [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov).*

## BOILER SAFETY

The BOARD OF BOILER AND PRESSURE VESSEL RULES proposed amendments to the Part titled Boiler and Pressure Vessel Safety (41 IAC 2120; 45 Ill Reg 16118) that update the national technical codes incorporated by reference in the Part and clarify that a passing score on the examination for a National Board Commission issued through the National Board shall satisfy the examination requirement for an Inspector Commission issued by the Office of the State Fire Marshal.

*Questions/requests for copies/ comments through 2/7/22: Ashley Vincent, Office of the State Fire Marshal, 1035 Stevenson Drive, Springfield, IL 62703, 217-785-4212, fax: 217-524-5487.*

## ICC RULE WITHDRAWAL

The ILLINOIS COMMERCE COMMISSION has withdrawn proposed amendments to Electric Interconnection of Distributed Generation Facilities (83 IAC 466; 45 Ill Reg 1) that were published in the 1/4/21 *Illinois Register*. ICC will amend Part 466 through a new rulemaking due to recent changes in statute.

## Second Notices

The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period. These rulemakings will be considered at the January 11, 2022, JCAR meeting in Springfield. Other items not published in the *Register* or The Flinn Report may also be considered. Further comments concerning these rulemakings should be addressed to JCAR using the contact information on page 1.

### CHIEF PROCUREMENT OFFICER FOR HIGHER EDUCATION

Chief Procurement Officer for Public Institutions of Higher Education - Standard Procurement (44 IAC 4; 45 Ill Reg 9686) proposed 8/6/21

### DEPT OF FINANCIAL AND PROFESSIONAL REGULATION

Cannabis Regulation and Tax Act (68 IAC 1291; 45 Ill Reg 13149) proposed 10/22/21

### DEPT OF COMMERCE & ECONOMIC OPPORTUNITY

Back to Business Grant Program (14 IAC 691; 45 Ill Reg 11456) proposed 9/17/21

Data Center Investment Program (14 IAC 521; 45 Ill Reg 2530) proposed 3/5/21

### DEPT OF HUMAN SERVICES

The Consultative Examination Process (89 IAC 840; 45 Ill Reg 11795) proposed 10/1/21

### DEPT OF PUBLIC HEALTH

Immunization Registry Code (77 IAC 689; 45 Ill Reg 9503) proposed 7/30/21

### DEPT OF REVENUE

Leveling the Playing Field for Illinois Retail Act (86 IAC 131; 45 Ill Reg 13589) proposed 10/29/21

## Joint Committee on Administrative Rules

**Senator Bill Cunningham, *co-chair***

**Representative Tom Demmer**

**Senator John F. Curran**

**Representative Michael Halpin**

**Senator Donald DeWitte**

**Representative Frances Ann Hurley**

**Senator Kimberly Lightford**

**Representative Steven Reick**

**Senator Tony Muñoz**

**Representative Curtis Tarver, II**

**Senator Sue Rezin**

**Representative Keith Wheeler, *co-chair***

**Kim Schultz  
Executive Director**